

09/10/2013

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1 of 5

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SFP 11 2013

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6 Attorneys for Defendant
9 FIRST NATIONAL COLLECTION
BUREAU, INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MICHAEL A. ROBBIN,
Plaintiff

Case No. 13S04254

FIRST NATIONAL COLLECTION
BUREAU, INC.,

**NOTICE OF REMOVAL OF ACTION
BY DEFENDANT FIRST NATIONAL
COLLECTION BUREAU, INC.**

BY FAX

20 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

21 Pursuant to 28 U.S.C. § 1446(d), the defendant, First National Collection
22 Bureau, Inc., hereby gives notice of the removal of the above-captioned action
23 from this Court to the United States District Court for the Central District of
24 California.

25 A copy of the Notice of Removal filed in the District Court is attached.

26 | //

27 | //

1 hereto as Exhibit A.
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5 MOSS & BARNETT, P.A.
6

7 Dated: September 11, 2013
8
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10 By: 
11

12 ISSA K. MOE
13 Attorneys for Defendant
14 FIRST NATIONAL COLLECTION
15 BUREAU, INC.
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 16 BUREAU, INC.

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21 **UNITED STATES DISTRICT COURT**
 22 **CENTRAL DISTRICT OF CALIFORNIA**

23 MICHAEL A. ROBBIN,

24 Case No.

25 Plaintiff,

26 v.

27 FIRST NATIONAL COLLECTION
 28 BUREAU, INC.,

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

21 PLEASE TAKE NOTICE that the defendant, First National Collection
 22 Bureau, Inc. ("FNCB"), hereby removes to this Court the state court action
 23 described below.

24 1. On August 12, 2013, the plaintiff, Michael A. Robbin ("Plaintiff"),
 25 filed a claim and order to go to small claims court ("Complaint") in the Superior
 26 Court of California, County of Los Angeles, thereby commencing a lawsuit
 27 entitled *Robbin, Michael A. v. First National Collection Bureau, Inc.*, and assigned
 28

1 Case No. 13S04254. A copy of the Complaint is attached as Exhibit A.

2 2. On August 12, 2013, the Executive Officer/Clerk of the Los Angeles
3 Superior Court mailed FNCB's attorneys a copy of the Complaint, which was
4 received on or about August 16, 2013. FNCB is filing this notice within 30 days
5 after receipt of the Complaint. This removal is, therefore, timely. *See* 28 U.S.C.
6 § 1446(b).

7 3. Plaintiff asserts claims against FNCB based on its alleged attempts to
8 collect a debt from Plaintiff that was discharged in a bankruptcy case in 2002.¹
9 The bankruptcy discharge injunction arises under federal law. *See* 11 U.S.C.
10 § 524. Accordingly, this action is a civil action of which this Court has original
11 jurisdiction under 28 U.S.C. § 1331, and is one that FNCB may remove to this
12 Court pursuant to 28 U.S.C. § 1441.

13 4. FNCB has not been served with any other process, pleadings, or
14 orders in this action.

15 5. As required by 28 U.S.C. § 1446(d), FNCB will give notice of the
16 filing of this notice to Plaintiff and to the clerk of the Superior Court of California,
17 County of Los Angeles, where the action is currently pending.

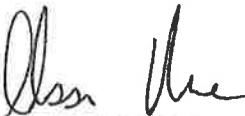
18 WHEREFORE, FNCB respectfully requests that the above-captioned matter
19 currently pending in the Superior Court of California, County of Los Angeles, be
20 removed to this Court.

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26 ¹ Plaintiff actually pleads that FNCB "violated the laws by attempting to collect a
27 dept that was discharged in the Chapter 7 bankruptcy court in 2002[.]" (Compl.)
28 (emphasis added). FNCB assumes this was just a scrivener's error, and that
Plaintiff intended to plead that FNCB attempted to collect a discharged debt, not a
dept.

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1 MOSS & BARNETT, P.A.
2
3

4 Dated: September 11, 2013
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7 By: 
8

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11 Attorneys for Defendant
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13 BUREAU, INC.
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9 FIRST NATIONAL COLLECTION
BUREAU, INC.

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 MICHAEL A. ROBBIN,

Case No. 13S04254

14 Plaintiff,

15 v.

CERTIFICATE OF SERVICE

16 FIRST NATIONAL COLLECTION
17 BUREAU, INC.,

18 Defendant.

BY FAX

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CERTIFICATE OF SERVICE

STATE OF MINNESOTA }
COUNTY OF HENNEPIN }

I declare that:

I am and was at the time of service of the papers herein, over the age of eighteen (18) years and am not a party to the action. I am employed in the County of Hennepin, Minnesota, and my business address is 4800 Wells Fargo Center, 90 South 7th Street, Minneapolis, Minnesota 55402.

On September 11, 2013, I caused to be served the following documents:

**NOTICE OF REMOVAL OF ACTION BY DEFENDANT FIRST
NATIONAL COLLECTION BUREAU, INC.**

EXHIBIT A

BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail, at Minneapolis, Minnesota, with postage thereon fully prepaid, individually, addressed to the parties as indicated. I am readily familiar with the firm's practice of collection and processing correspondence in mailing. It is deposited with the United States postal service each day and that practice was followed in the ordinary course of business for the service herein attested to. (Fed. R. Civ. P. 5(b)(2)(B).)

BY OVERNIGHT SERVICE: I caused such envelopes to be delivered by Overnight/Express Mail Delivery to the addressee(s) noted in this Certificate of Service.

BY FACSIMILE TRANSMISSION: I caused a true copy of the foregoing document(s) to be transmitted (by facsimile #) to each of the parties mentioned above at the facsimile machine and as last given by that person on any document which he or she has filed in this action and served upon this office.

BY ELECTRONIC FILING SERVICE: By electronically filing the foregoing document(s) using the CM/ECF system. Service of an electronically filed document upon a CM/ECF User who has consented to electronic service is deemed complete upon the transmission of the Notice of Electronic Filing ("NEF"). The NEF will be maintained with the original document(s) in our office.

BY PERSONAL SERVICE: I served the person(s) listed below by leaving the documents, in an envelope or package clearly labeled to identify the person being served, to be personally served via Metro Legal Services on the parties listed on the service list below at their designated business address.

By personally delivering the copies;

By leaving the copies at the attorney's office;

1 With a receptionist, or with a person having charge thereof; or
2 In a conspicuous place in the office between the hours of _____
3 in the morning and five in the afternoon;
4 By leaving the copies at the individual's residence, a conspicuous
5 place, between the hours of eight in the morning, and six in the
6 afternoon.

6 **SEE ATTACHED SERVICE LIST**

7 I am readily familiar with the firm's practice of collection and processing
8 correspondence for mailing. Under that practice, it would be deposited with the
9 United States Postal Service on that same day with postage thereon fully prepaid at
10 Minneapolis, Minnesota, in the ordinary course of business. I am aware that on
 motion of the party served, service is presumed invalid if postal cancellation date
 or postage meter date is more than one day after the date of deposit for mailing in
 affidavit.

11 I declare under penalty of perjury under the laws of the State of California
12 that the foregoing is true and correct.

13 Executed on September 11, 2013, at Minneapolis, Minnesota.

14 
15 Andrea P. Lande

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1 Service List

1 MICHAEL A. ROBBIN, V. FIRST NATIONAL COLLECTION BUREAU, INC.

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Pro Se

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